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RUEKJCS/JOINT STAFF WASHDC
RUEHGV/USMISSION GENEVA 1046
RUEHVEN/USMISSION USOSCE 3066
RUCNDT/USMISSION USUN NEW YORK 2452
RUEHNO/USMISSION USNATO BRUSSELS BE
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RUEHLMC/MILLENNIUM CHALLENGE CORP
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C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 000992

SIPDIS

DEPT FOR SCA/CEN

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TAGS: [PGOV](#) [PREL](#) [MARR](#) [KG](#)

SUBJECT: AMBASSADOR'S MEETING WITH KYRGYZ PROSECUTOR
GENERAL SATYBALDIYEV

REF: A. BISHKEK 989

[1](#)B. BISHKEK 943

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Classified By: Ambassador Tatiana C. Gfoeller, Reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: Ambassador met September 23 with Prosecutor General Satybaldiyev to discuss the status of the "criminal investigation" connected to the August 4 seizure of weapons and equipment from a U.S. military training team. Satybaldiyev said that he had asked the Kyrgyz Parliament for an official interpretation of the December 2001 agreement which allows U.S. military personnel and weapons to enter Kyrgyzstan; Satybaldiyev said that Parliament should respond no later than two months from the day of the seizure. Satybaldiyev said that if he did not receive a "satisfactory" response from the Parliament -- that is, if the team's importation of weapons is deemed not to be covered by the agreement -- then he would bring criminal charges against an Embassy officer. Satybaldiyev closed the meeting by saying he hoped to have a cooperative and open relationship with the new Ambassador. End summary.

[1](#)2. (C) The Ambassador held an introductory meeting September 23 with Prosecutor General Elmurza Satybaldiyev. Satybaldiyev is in charge of the criminal investigation into the August 4 seizure of weapons and equipment from a U.S. military training team. Satybaldiyev's subordinates had told us previously that the matter was heading toward resolution, and the case could be closed once they had received the required "expertise" report on the weapons. Satybaldiyev confirmed to the Ambassador that his office had received the necessary "expertise" concerning the weapons from the Ministry of Internal Affairs.

[1](#)3. (C) However, Satybaldiyev said he has now sent a request to the Parliament for an official interpretation of the parts of the December 2001 agreement between the U.S. and Kyrgyzstan which allow U.S. military personnel and weapons to enter the country. Satybaldiyev said that since the Parliament had ratified this agreement, Parliament was the

competent body to provide answers to questions about the meaning of the agreement. He said that Parliament had two months from the day of the seizure to respond. He added that he had the discretion to grant Parliament an extra month on top of that, but indicated that he did not have the intention of doing so. He said that unless he got a "satisfactory" response from Parliament (about the scope of the agreement) before his deadline, he would bring criminal charges against an Embassy officer for contraband and illegal importation of weapons.

¶4. (C) Note: Satybaldiyev was referring to the original agreement to establish the Manas Coalition Air Base. The agreement was accomplished by an exchange of diplomatic notes and then was ratified by the Parliament in December 2001. The agreement provides, among other provisions, for the entry into Kyrgyzstan of U.S. military personnel and their weapons. Previous U.S. training teams have entered Kyrgyzstan without incident. End Note.

¶5. (C) Satybaldiyev provided a written statement of the case ("spravka"), which referred to the weapons being "illegally kept" at the house, the "refusal" of the U.S. army servicemen to answer any questions, and the failure to follow "established procedures" to bring the weapons into Kyrgyzstan.

¶6. (C) Ambassador noted that President Bakiyev had acknowledged that the seizure of the weapons was due to "miscommunication" between Kyrgyz government bodies. She added that the Millennium Challenge Account Threshold Program was beginning in Kyrgyzstan, and the program included a substantial amount for criminal justice reform. She told

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Satybaldiyev that it would be better for future cooperation and assistance if the weapons case was resolved as soon as possible.

¶7. (C) Satybaldiyev closed the meeting by saying that his office was open "any day" to the Ambassador. "Don't wait for an appointment if you have something to discuss with me," he urged her. "Just drop by my office any time and I'll always find five minutes for you." He said he looked forward to "good cooperation" on the Millennium Challenge program and hoped to gain by "studying your methods."

Comment

¶8. (C) Satybaldiyev's escalation of the weapons investigation signals that this case will not be resolved soon, and the threat of criminal charges (even though such charges against a diplomat would go nowhere) raises this dispute to a higher level. It is also disturbing that Satybaldiyev has asked Parliament for an "official interpretation" of parts of the base agreement, which could open up that agreement to reconsideration or re-interpretation. However, later the same day, Presidential Chief of Staff Sadyrkulov assured the Ambassador that the weapons case would be resolved soon and he would prevent it from being escalated further, just as he claimed he had already prevented it from becoming a "scandal." (septel)
GFOELLER